Case: 2:06cv242

Steven Kuhnhausen Mr.
450 S 900 E STE 240
SALT LAKE CITY, UT 84102

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Case Name:	Nazaruk v. eBay et al
Case Number:	2:06–cv–242
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Document Number:	27

Docket Text:
ORDER ADOPTING REPORT AND RECOMMENDATIONS for [22] Report and Recommendations,, granting [19] Motion to Dismiss filed by Ace Coins,, granting [4] Motion to Dismiss filed by eBay. Case Closed.. Signed by Judge Dale A. Kimball on 9/14/06. (blk,)

The following document(s) are associated with this transaction:

Document description:Main Document
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Electronic document Stamp:
[STAMP dcecfStamp_ID=1060034973 [Date=9/14/2006] [FileNumber=680517–0] [04cc9e00b198ed922036841beceea02a96d5dbf71dc6d43f04f60bf34485d9d0616f a3 37c7e8aef35c596b71a574f46387a87cbb094d9054833b7b39b88c065d]]

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Steven Kuhnhausen

450 S 900 E STE 240
SALT LAKE CITY, UT 84102

Tetyana Nazaruk
274 W 200 S APT 43
SALT LAKE CITY, UT 84101

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

TETYANA NAZARUK, **Plaintiff,** **vs.** **eBAY, INC., ACE COINS, and ROBERT BAGANZ,** **Defendant.**	**ORDER ADOPTING REPORT AND RECOMMENDATION** **Case No. 2:06CV242 DAK**

This matter is before the court on Plaintiff's Objection to the Magistrate's Report and Recommendation. On July 20, 2006, this case was referred to the Magistrate Judge under 28 U.S.C. § 636(b)(1)(B). On August 15, 2006, the Magistrate Judge held a hearing on Defendant eBay's Motion to Dismiss for Improper Venue or, in the Alternative, for Failure to State a Claim. On August 24, 2006, the Magistrate issued a Report and Recommendation, recommending that Defendant eBay's Motion to Dismiss based on improper venue be granted and that Defendant Ace Coin's Motion to Dismiss be granted.

On August 31, 2006, Plaintiff filed an Objection to the Report and Recommendation, which the court has considered, along with the entire case file. Plaintiff has not cited any authority to suggest that the Magistrate's legal analysis was incorrect, and Plaintiff has not otherwise raised a valid objection to the Report and Recommendation.

Having independently reviewed the file in its entirety and the case law that this court is bound to apply, the court finds that the Magistrate's analysis was entirely correct. Therefore, the court hereby APPROVES and ADOPTS the Magistrate Judge's Report and Recommendation. Defendant eBay's Motion to Dismiss for Improper Venue is GRANTED. Plaintiff's claims against eBay are DISMISSED without prejudice. Defendant Ace Coin's Motion to Dismiss is GRANTED, and Plaintiff's claims against it are DISMISSED with prejudice. There is no evidence in the record that Defendant Robert Baganz was ever served with a Summons and Complaint, and therefore he is DISMISSED without prejudice. The Clerk of the Court is directed to close this case.

DATED this 14th day of September, 2006.

BY THE COURT:

DALE A. KIMBALL
United States District Judge

United States District Court
District of Utah

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